IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION NO : 17163 of 2003

Between:

P.S.Nagar Welfare Association, near J.M.J.Junior College,

Chinna Chowk Village, Kadapa District,

rep.by its Secretary Y.V.Ramana s/o Peddanna,

aged about 35 years R/o Chinna Chowk Village,

Kadapa Mandal., Kadapa District.

..... PETITIONER

AND

1 The Mandal Revenue Officer, Kadapa Mandal, Kadapa District.
2 The District Collector, Kadapa District, Kadapa.
3 The Government of A.P., represented by its Secretary,

Revenue Department, Secretariat, Hyderabad.
4 The Government of A.P., represented by its Secretary,

Social Welfare Department, Secretariat, Hyderabad.

..RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or Order or direction under Article 226 of the Constitution of India, particularly one in the nature of Writ of Mandamus directing the respondents to consider the representation of the petitioner Association dated 4-6-2003 for the construction of the houses in S.No.1095, 1099,1100, 1101 and 1102 of Chinna Chowk Village, Kadapa Mandal, Kadapa District, bounded on West: Metal Road,

East: Land of Police Training Centre and J.M.J.College, South: Railway Track, North: National High way, after calling for the records.

Counsel for the Petitioner:MR.PRATTIPATI VENKATESWARLU

Counsel for the Respondents : GP FOR ASSIGNMENT

The Court made the following :

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O R D E R :

Though miscellaneous applications are listed, the matter was heard finally and this order shall dispose of the writ petition itself.

P.S.Nagar Welfare Association, Kadapa, seeks a writ of mandamus directing the respondents to consider the representation dated 4-6-2003 made by the petitioners Association to construct houses in Survey Nos.1095, 1099, 1100, 1101 and 1102 of Chinna Chowk Village, Kadapa Mandal, Kadapa District. It is the case of the petitioners that the Mandal Revenue Officer, Kadapa Mandal, first respondent herein, allotted pattas in 1994 in respect of the land in the above Survey Numbers admeasuring Acs.48-54. Though the land was not demarcated, the petitioners have occupied the same and raised houses. When they approached the authorities for construction of houses under the Government Housing Scheme, an attempt was made to forcibly evict them. Therefore, they filed the present writ petition.

This Court, initially on 18-8-2003 ordered notice before admission directing the respondents not to interfere with the possession of the petitioners' lands. Subsequently, the writ petition was admitted on 12-2-2004. The respondents have now filed an application to vacate the stay order. In the counter affidavit, it is stated that none of the allottees have occupied the site as the possession was not handed over to them officially, that out of 1200 beneficiaries, nearly 500 beneficiaries have left Kadapa Mandal, leaving an extent of Acs.16-50 as vacant land. In the meanwhile, the Kadapa Auto Mechanics Association, Kadapa has applied for alienation of land for establishment of Auto Nagar. Therefore, proposals were submitted to the Revenue Divisional Officer, Kadapa, for change of classification, which was done. In view of the same, proceedings were issued resuming an extent

of Acs.14-83 in Survey Nos.1095, 1099 and 1100 for alienation in favour of Kadapa Auto Mechanics Association, Kadapa. The counter affidavit further states that the members of the petitioner Association have encroached upon the land and they were not issued any pattas.

Proceedings dated 30-11-1999 of the Mandal Revenue Officer, Kadapa, shows that the land atleast to the extent of Acs.14-83 has already been resumed for the purpose of alienating to Kadapa Auto Mechanics Association. The possession of the petitioners is also denied. Therefore, in this writ petition, the prayer as made cannot be granted. It is, however, open to the petitioners Association to impugn the proceedings of the Mandal Revenue Officer, Kadapa, bearing Ref.D.No.2243/99, dated 30-11-1999 raising all the grounds. If the petitioners are continuing in possession as on today, there shall be *status quo* obtaining as on today.

The writ petition is accordingly disposed of. No costs.

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(V.V.S. RAO, J.)

Dt.30-07-2004.

Msr.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Mandal Revenue Officer, Kadapa Mandal, Kadapa District.
2 The District Collector, Kadapa District, Kadapa.
3 The Secretary to Government of A.P.,

Revenue Department, Secretariat, Hyderabad.
4 The Secretary to Government of A.P.,

Social Welfare Department, Secretariat, Hyderabad.

5. 2CCs to Government Pleader for Assignments, High Court of A.P.,

Hyderabad.

6. 2CD copies

HON'BLE SRI JUSTICE V.V.S. RAO

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Dt.30-07-2004.

(Msr)